



**JOINT MEETING OF THE  
MILPITAS CITY COUNCIL,  
HOUSING AUTHORITY, AND  
MUNICIPAL FINANCING AUTHORITY**

For assistance in the following languages, you may call:

Đối với Việt Nam, gọi 408-586-3122  
Para sa Tagalog, tumawag sa 408-586-3051  
Para español, llame 408-586-3232

**AGENDA**

**TUESDAY, OCTOBER 15, 2019  
COUNCIL CHAMBERS, 455 E. CALAVERAS BLVD., MILPITAS, CA  
6:00 PM (CLOSED SESSION)  
7:00 PM (PUBLIC BUSINESS)**

**CALL MEETING TO ORDER by Mayor and ROLL CALL by City Clerk**

**ADJOURN TO CLOSED SESSION**

**CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION**

Pursuant to Government Code Section 54956.9(d)(1)

County Sanitation District 2-3, West Valley Sanitation District, Burbank Sanitary District, Cupertino Sanitary District, and City of Milpitas v. City of San Jose, City of Santa Clara  
Santa Clara County Superior Court Case No. 18CV325480

**CLOSED SESSION ANNOUNCEMENT:** Report on action taken in Closed Session, if required per Government Code Section 54957.1, including the vote or abstention of each member present

**PLEDGE OF ALLEGIANCE**

**INVOCATION**

**PUBLIC FORUM**

Those in the audience are invited to address City Council on any subject not on tonight's agenda. Speakers must come to the podium, state their name and city of residence for the Clerk's record, and limit spoken remarks to three minutes. As an item not listed on the agenda, no response is required from City staff or the Council and no action can be taken. Council may instruct the City Manager to place the item on a future meeting agenda.

**ANNOUNCEMENTS**

**ANNOUNCEMENT OF CONFLICT OF INTEREST AND CAMPAIGN CONTRIBUTIONS**

**APPROVAL OF AGENDA**

## **CONSENT CALENDAR**

Consent calendar items are considered to be routine and will be considered for adoption by one motion. There will be no separate discussion of these items unless a City Councilmember, member of the audience or staff requests the Council to remove an item from (or be added to) the consent calendar. Any person desiring to speak on any item on the consent calendar should ask to have that item removed from the consent calendar. If removed, this item will be discussed in the order in which it appears on the agenda.

**C1. Receive City Council Calendars of Meetings for October and November 2019 (Staff Contact: Mary Lavelle 408-586-3001)**

**C2. Approve City Council Meeting Minutes of September 24, October 1 and October 4, 2019 (Staff Contact: Mary Lavelle, 408-586-3001)**

Recommendation: Approve City Council meeting minutes for special meetings on September 24 and October 4, and a regular meeting on October 1, 2019.

**C3. Approve Findings of Exception to the Requirements of the Affordable Housing Ordinance to allow Payment of Fees In Lieu of reserving six affordable units on the project site to be included in the previously adopted Resolution approving a Site Development Permit, Conditional Use Permit, Vesting Tentative Map, and Environmental Assessment to develop a 40-unit residential condominium building, up to 49 feet in height (4 stories) at 2001 Tarob Court (Staff Contact: Ned Thomas, Planning Director, 408-586-3073)**

Recommendation: Approve Findings of Exception to the requirements of the Affordable Housing Ordinance to allow payment of fees in lieu of reserving six affordable units on the project site to be included in the previously adopted Resolution approving Site Development Permit (SD18-0014), Conditional Use Permit (UP19-0009), Vesting Tentative Map (MT18-0004), and Environmental Assessment (EA19-0002) to allow development of a 40-unit residential condominium building, up to 49 feet in height (four stories), with parking for up to 74 vehicles, on a 1.22-acre site at 2001 Tarob Court.

**C4. Adopt a Resolution Granting Acceptance of Americans with Disabilities Act (ADA) Curb Ramp Transition Projects No. 4283 and No. 4287, and Grant Authorization to Director of Engineering/City Engineer to file a Notice of Completion (Staff Contact: Steve Erickson, 408-586-3301)**

Recommendation: Adopt a Resolution Granting acceptance of the Americans with Disabilities Act (ADA) Curb Ramp Transition Projects No. 4283 and No. 4287 and grant authorization to Director of Engineering/City Engineer to file a Notice of Completion.

**C5. Approve and Authorize the City Manager to Execute a Measure B Funding Agreement between the City and Santa Clara Valley Transportation Authority for 2016 Measure B State Route 237 Near Term Improvements Project (Staff Contact: Steve Erickson, 408-586-3301)**

Recommendation: Approve and authorize the City Manager to execute a funding agreement between the City of Milpitas and Santa Clara Valley Transportation Authority (VTA) for 2016 Measure B State Route 237 Near Term Improvements Project.

**C6. Approve Revision to the City's Travel and Expense Reimbursement Policy Standard Operating Procedure (SOP) No. 6-1 (Staff Contact: Walter C. Rossmann, 408-586-3111)**

Recommendation: Approve the revision of the travel policy (SOP No. 06-01) regarding reimbursement of expenses for elected officials to be consistent with Article 2.3 Section 53232.2 of the California Government Code.

- C7. Authorize the City Manager to Execute the Agreement with OpenGov, Inc. for a Five-Year Contact Amount Not to Exceed \$410,450 for the Purchase of Budget Performance Software (Staff Contact: Walter C. Rossmann, 408-586-3111)**

Recommendation: Authorize the City Manager to execute the agreement with OpenGov, Inc. for a Five-Year contract amount not to exceed \$410,450 for the purchase of budget performance software and consolidation of “Management Reporting” and “Open Town Hall” Software already owned by the City.

- C8. Approve the Milpitas Arts Commission Work Plan for Fiscal Year 2019-20 (Staff Contact: Tegan McLane, 408-586-3212)**

Recommendation: Approve the proposed Arts Commission Fiscal Year 2019-20 Work Plan.

- C9. Approve the Library and Education Advisory Commission Work Plan for Fiscal Year 2019-20 (Staff Contact: John Macon, 408-586-3226)**

Recommendation: Approve the proposed Library and Education Advisory Commission Fiscal Year 2019-20 Work Plan.

- C10. Approve the Senior Advisory Commission Work Plan for Fiscal Year 2019-20 (Staff Contact: John Macon, 408-586-3226)**

Recommendation: Approve the proposed Senior Advisory Commission Fiscal Year 2019-20 Work Plan.

- C11. Consider Mayor’s Recommendation for Appointment of Casey McNeil as the Technology and Trade Representative to the Economic Development and Trade Commission (Contact: Mayor Tran, 408-586-3029)**

Recommendation: Receive Mayor Tran’s recommendation and move to newly appoint Casey McNeil as the Technology and Trade Representative to the Economic Development and Trade Commission to a currently vacant term that expires in April 2020.

## **PUBLIC HEARINGS**

- 12. Conduct a Public Hearing and Adopt Resolution Approving an Amendment to Planned Unit Development No. 45 (Spinnaker Pointe Apartments) to amend the Conditions of Approval Allowing a Change in Roof Materials for All Building, including Carports, on 9.24 acre site at 231 Dixon Landing Road (Staff Contact: Avery Stark, 408-586-3288)**

Recommendations:

1. Open the public hearing and receive public comment.
2. Move to close the public hearing.
3. Adopt a Resolution approving an amendment (PA19-0001) to Planned Unit Development No. 45 (Spinnaker Pointe Apartments) to amend the conditions of approval allowing a change in roof materials for all buildings, including carports, on a 9.24-acre site at 231 Dixon Landing Road.

- 13. Conduct a Public Hearing and Introduce Ordinance No. 38.837 Amending Milpitas Municipal Code Title XI, Chapter 10, Sections 2, 4, 5, 7, and 56 Relating to Assembly and other Non-industrial Uses in the M2 Heavy Industrial Zoning District (Staff Contact: Rozalynne Thompson, Senior Planner, 408-586-3278)**

Recommendations:

1. Conduct a public hearing and move to close the hearing following comments.
2. City Attorney shall read aloud title of Ordinance No. 38.837.
3. Move to waive the first reading beyond the title and introduce Ordinance No. 38.837 Amending Milpitas Municipal Code Section 2 ("Definitions"), Subsection 4.02 ("Residential Use Regulations"), Subsection 5.02 ("Commercial Use Regulations"), Subsection 7.02 ("Industrial Use Regulations"), Subsection 7.04 ("Industrial Zone Special Development and Performance Standards"), and Subsection 56.04 ("Nonconforming Use of Land").

**14. Conduct a Public Hearing, Consider Adopting an Urgency Ordinance, or Consider Introducing Amended Ordinance No. 302 relating to a Rent Review Program and Tenant Protections (Staff Contact: Sharon Goei, 408-586-3260)**

Recommendations:

1. Open the public hearing; hear testimony, then move to close the public hearing.
2. Adopt Urgency Ordinance enacted pursuant to California Government Code Section 36937 to add Chapters 2 and 3 to Title XII of the Milpitas Municipal Code relating to the adoption of a rent review program and tenant protections;  
  
or,
3. Following the City Attorney's reading of the title, move to waive the first reading beyond the title and introduce amended Ordinance No. 302 to add Chapters 2 and 3 to Title XII of the Milpitas Municipal Code relating to the adoption of a rent review program and tenant protections.

**15. Conduct a Public Hearing, Consider Adopting Urgency Ordinance No. 303, or Consider Introducing an Ordinance relating to Just Cause Eviction Protection for Tenants (Staff Contact: Sharon Goei, 408-586-3260)**

Recommendations:

1. Open the public hearing; hear testimony, then move to close the public hearing.
2. Adopt Urgency Ordinance No. 303 enacted pursuant to California Government Code Section 36937 to add Chapter 4 to Title XII of the Milpitas Municipal Code relating to just cause eviction protection for tenants;  
  
or,
3. Following the City Attorney's reading of the title, move to waive the first reading beyond the title and introduce a regular Ordinance to add Chapter 4 to Title XII of the Milpitas Municipal Code relating to just cause eviction protection for tenants.

**LEADERSHIP AND SUPPORT SERVICES** Items related to Milpitas Municipal Financing Authority

**16. Adopt a Resolution of the Board of the Milpitas Municipal Financing Authority Approving a Debt Management Policy (Staff Contact: Walter C. Rossmann, 408-586-3111)**

Recommendation: Adopt a Resolution of the Board of the Milpitas Municipal Financing Authority approving a Debt Management Policy, consistent with the policy previously approved by the City and its related entities.

**17. Adopt Resolutions Authorizing the Sale and Issuance of tax-exempt Wastewater Revenue Bonds and Authorize Interim City Manager to Execute Contract with Jones Hall, A Professional Law Corporation (Staff Contact: Walter C. Rossmann, 408-586-3111)**

Recommendations:

1. Adopt resolutions of the City Council of the City of Milpitas and the Milpitas Municipal Financing Authority authorizing and directing the City Manager, Assistant City Manager or Director of Finance to execute the sale and issuance of 2019 Wastewater Revenue Bonds with an estimated aggregate principal amount of not-to-exceed \$36 million to finance the acquisition, construction and/or improvement of capital improvements to the Wastewater System.
2. Authorize the Interim City Manager to execute a contract with Jones Hall, A Professional Law Corporation, for Bond Counsel Services.

**18. Adopt Resolutions Authorizing the Sale and Issuance of tax-exempt Water Revenue Bonds and Authorize the Interim City Manager to Execute a Contract with Jones Hall, A Professional Law Corporation (Staff Contact: Walter C. Rossmann, 408-586-3111)**

Recommendations:

1. Adopt resolutions of the City Council and the Milpitas Municipal Financing Authority authorizing and directing the City Manager, Assistant City Manager or Director of Finance to execute the sale and issuance of 2019 Water Revenue Bonds with an estimated aggregate principal amount not to exceed \$21.0 million to finance the acquisition, construction and/or improvement of capital improvements to the Water System.
2. Authorize the Interim City Manager to execute a contract with Jones Hall, A Professional Law Corporation, for Bond Counsel Services.

**COMMUNITY DEVELOPMENT**

**19. Adopt a Resolution authorizing the creation of a Pilot Rent Relief Program, Approve Related Budget Amendment, and prepare and execute a Professional Services Agreement with Silicon Valley Independent Living Center (Staff Contact: Sharon Goei, 408-586-3260)**

Recommendations:

1. Adopt a Resolution authorizing the creation of a Pilot Rent Relief Program.
2. Approve a Budget Amendment to appropriate \$100,000 from the Affordable Housing Fund to the FY 2019-20 Housing Operating Budget for Silicon Valley Independent Living Center (SVILC) to implement the Pilot Rent Relief Program.
3. Authorize the City Manager to prepare and execute a one-year Professional Services Agreement with Silicon Valley Independent Living Center to manage the Milpitas Pilot Rent Relief Program.

**20. Consider Adoption of a Housing Authority Resolution Approving and Adopting Bylaws of the City of Milpitas Housing Authority, and Consider Election of Officers for the City of Milpitas Housing Authority (Contacts: Councilmembers Nuñez and Montano, 408-586-3000)**

Recommendations:

1. Adopt a Housing Authority Resolution approving and adopting the Bylaws for the City of Milpitas Housing Authority.
2. Following adoption of the Bylaws, elect a Chairperson, Vice Chairperson and Secretary of the Housing Authority by a vote of the Housing Authority Board of Commissioners.

**NEXT AGENDA PREVIEW**

21. Receive Preview Agenda List for the Next Regular City Council Meeting Scheduled for November 5, 2019 (Staff Contact: Mary Lavelle, 408-586-3001)

## **ADJOURNMENT**

### **NEXT REGULAR CITY COUNCIL MEETING** Tuesday, November 5, 2019

#### **KNOW YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE**

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and the City operations are open to the people's review.

For more information on your rights under the Open Government Ordinance or to report a violation, contact the City Attorney's office at Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas, CA 95035  
e-mail: [cdiaz@ci.milpitas.ca.gov](mailto:cdiaz@ci.milpitas.ca.gov) / Phone: 408-586-3040

*The Open Government Ordinance is codified in the Milpitas Municipal Code as Title I Chapter 310 and is available online at the City's website [www.ci.milpitas.ca.gov](http://www.ci.milpitas.ca.gov) by selecting the Milpitas Municipal Code link.*

Materials related to an item on this agenda submitted to the City Council after initial distribution of the agenda packet are available for public inspection at the City Clerk's office at Milpitas City Hall, 3rd floor 455 E. Calaveras Blvd., Milpitas and on City website. City Council agendas and related materials can be viewed online: [www.ci.milpitas.ca.gov/government/council/agenda\\_minutes.asp](http://www.ci.milpitas.ca.gov/government/council/agenda_minutes.asp) (select meeting date)

#### **APPLY TO SERVE ON A CITY COMMISSION**

Commission application forms are available online at [www.ci.milpitas.ca.gov](http://www.ci.milpitas.ca.gov) or at Milpitas City Hall. Contact the City Clerk's office at 408-586-3003 for more information.

*If you need assistance, per the Americans with Disabilities Act, for any City of Milpitas public meeting, please call the City Clerk at 408-586-3001 or send an e-mail to [mlavelle@ci.milpitas.ca.gov](mailto:mlavelle@ci.milpitas.ca.gov) prior to the meeting. You may request a larger font agenda or arrange for mobility assistance. For hearing assistance, headsets are available in the City Council Chambers for all meetings.*